SUPREME COURT OF THE UNITED STATES

CENTRAL STATE UNIVERSITY *v.* AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, CENTRAL STATE UNIVERSITY CHAPTER

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF OHIO

No. 98–1071. Decided March 22, 1999

JUSTICE GINSBURG, with whom JUSTICE BREYER joins, concurring.

I join the *per curiam* recognizing, as the Court did in *Nordlinger* v. *Hahn*, 505 U. S. 1 (1992), that for the mine run of economic regulations that do not trigger heightened scrutiny, it is appropriate to inquire whether the lawmaker's classification

> "rationally furthers a legitimate state interest. In general, the Equal Protection Clause is satisfied so long as there is a plausible policy reason for the classification, see *United States Railroad Retirement Bd.* v. *Fritz*, 449 U. S. 166, 174, 179 (1980), the legislative facts on which the classification is apparently based rationally may have been considered to be true by the governmental decisionmaker, see *Minnesota* v. *Clover Leaf Creamery Co.*, 449 U. S. 456, 464 (1981), and the relationship of the classification to its goal is not so attenuated as to render the distinction arbitrary or irrational, see *Cleburne* v. *Cleburne Living Center, Inc.*, 473 U. S. [432, 446 (1985)]." *Id.*, at 11.

I also recognize that a summary disposition is not a fit occasion for elaborate discussion of our rational basis standards of review. See *Hohn* v. *United States*, 524 U. S. 236, 251 (1998) (opinions rendered without full briefing or argument have muted precedential value). JUSTICE STEVENS emphasizes that this case is of dominant importance to the state universities in Ohio, see *post*, at 3; in that light, the Ohio Supreme Court is of course at liberty to resolve the matter under the Ohio Constitution.